

OPINION

of Mr.Samir Taghiyev, member of Expert Group under CEC to investigate the complaints against actions (inactions) and decisions violating citizens' election rights in the Elections to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015

on the appeal 08 submitted to CEC on September 24, 2015 by candidate to deputy Elnur Zakir Eyvazov

Baku

26 September 2015

Having investigated the appeal # 08 submitted to CEC on September 24, 2015 by candidate to deputy, Elnur Zakir Eyvazov nominated on its own initiative on Kapaz second (Ganja) Con.EC # 40 in the Election to the Milli Majlis on November 1, 2015, as a member of Expert Group, Samir Taghiyev , I have determined that:

Since the appeal had been submitted in comply with the Election Code of the Republic of Azerbaijan and the Instruction "On the rules for submission and processing of appeals and complaints on the violation of election rights to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan" and within the specified time period for submitting a complaint, it was accepted for implementation.

Candidate to deputy, Elnur Zakir Eyvazov nominated on its own initiative on Kapaz second (Ganja) Con.EC # 40 appealed in a written form to the Central Election Commission on September 24, 2015 in the Election to the Milli Majlis of the Republic of Azerbaijan on November 1, 2015, challenged the decision of Con.EC on rejection for registration as a candidate and requested to restore violated rights trough making relevant decision.

The appeal was adopted for the implementation by me in comply with Articles 112 and 112-1 of the Election Code of the Republic of Azerbaijan and "Instruction on the rules for filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration" and basing

on the principle of ensuring citizens' election rights, it was investigated in a legal manner.

It was kept in touch with the applicant; he was informed on right to participate in investigation.

During investigation it was defined that for the registration of E.Z. Eyvazov as a candidate voters' signatures in the signature sheets submitted to Con.EC by him were collected in accordance with rules defined in the Election Code of the Republic of Azerbaijan. Thus, from 493 voters' signatures collected by candidate, 466 signatures are considered to be valid and this is sufficient for the registration of a candidate.

Through a thorough, comprehensive, fair and impartial investigation it was defined that decision # 13/35 of Kapaz second (Ganja) Con.EC # 40 dated September 23, 2015 on rejection for registering the candidacy was groundless.

Pursuant to the mentioned complaint being valid it should be implemented, decision #13/35 (dated September 23, 2015) on rejection for registration Elnur Zakir Eyvazov as a candidate on Kapaz second (Ganja) Con.EC # 40 should be cancelled and he shall be registered as a candidate in the same Con.EC.

Taking the above mentioned as a basis, pursuant to Articles 19.4, 28.2, 112, 112-1 of Election Code of the Republic of Azerbaijan and item # 1, 2, 4, 6, 7 and 8 of the "Instruction on the rules for filing appeals and complaints to the Central Election Commission and Constituency Election Commissions of the Republic of Azerbaijan and their consideration" I made an opinion:

1. The appeal # 08 (dated September 24, 2015) of candidate to deputy Elnur Zakir Eyvazov submitted to Central Election Commission shall be implemented and decision #13/35 (dated September 23, 2015) of Con.EC on Kapaz second (Ganja) Con.EC # 40 shall be cancelled.

2. The opinion shall be published no later than 18 hours upon its adoption (shall be posted on the website) and its copy shall be sent to the applicant.

Expert Group member

Samir Taghiyev